

REMARKS

The Examiner mailed a communication on January 16, 2007 stating that the reply filed on October 16, 2006 was not fully responsive to the prior Office Action in that there was no argument directed toward the rejection of claims under the rejection of Kask in view of Zaydel further in view of Rapata.

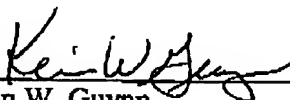
In the Office Action dated July 19, 2006, the only claims rejected over Kask in view of Zaydel and further in view of Rapata were claims 9 and 10. In the amendment filed by Applicant on October 16, 2006, the subject matter of claim 9 was incorporated into claim 1, claim 9 was cancelled and claim 10 was amended to depend from claim 9.

Claim 1 had a further limitation added, specifying that the tube plug had a generally hollow body with a constant diameter smooth outer surface. The Examiner relied on the teachings of Rapata only for a showing of the blind hole with a constant internal diameter, by referring to FIG. 11 of Rapata. In that figure, the plug has a papered outer surface. As was pointed out in the *Remarks* section, neither Kask nor Zaydel teaches a plug having a constant diameter smooth outer surface as required by claim 1.

Neither Kask nor Zaydel describe a plug that is to be used to seal a tube, nor does Rapata teach such a plug. Rather, all of these references disclose an insert to be used to hold a fastener in a relatively thin wall member and all of the inserts pass entirely through the wall and are provided with interior or exterior configurations to cause an outwardly deformation of that part of the insert that projects beyond the interior of the wall, radially larger than the opening in the

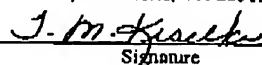
wall where the inset is positioned. Therefore, even a combination of Kask, Zaydel and Rapata fails to teach or suggest the structure set forth in claim 1, or any of its dependent claims in which the plug has a constant diameter outer surface and a constant diameter blind hole. All of the cited references teach away from this overall combination.

Respectfully submitted,



Kevin W. Gynn (Reg. No. 29,927)
GREER, BURNS & CRAIN, LTD
Customer Account No. 24978
300 S. Wacker Drive , Suite 2500
Chicago, Illinois 60606-6771
Telephone (312) 987-2187
Attorneys for Applicant

GREER, BURNS & CRAIN, LTD
300 S. Wacker Drive
Chicago, Illinois 60606-6771
(312) 987-2187

I hereby certify that this document and any being referred to as attached or enclosed is being deposited with the United States Postal Service in an envelope addressed to Mail Stop - Response, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on
8-14-2007
Date 
Signature